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Our ref: KON-1859

Client's ref: P6459-001-0000

OCT 10 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE-----X  
In re Application of: H. YOSHIZAWA et al:

Appn. No. : 10/800,569 : Art Unit : 1756

Filed: March 15, 2004 : Examiner: Janis L. Dote

Title: IMAGE FORMING METHOD :  
AND IMAGE FORMING  
APPARATUS :  
-----X132 DECLARATIONCommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Hideo Yoshizawa, hereby declare and state as follows:

1. I am one of the named Inventors in this Application.
2. I graduated from Tohoku University where I majored in Applied Chemistry and was awarded a Masters of Engineering in March 1985. As of April 1985, I was employed by Konica Corporation, the predecessor in interest in part to the current Applicant in this Application. I am currently employed by Konica Minolta Business Technologies, Inc. Since April of

1985, I have been engaged in research and development in the field of electrophotographic receptors and related materials.

3. I am aware that the Examiner has applied U.S. Patent No. 6,300,027, Chambers, against the claims in this Application and has taken the position that the surface roughness of the photoreceptor surface layer taught in Chambers meets the claimed surface roughness of the photoreceptor in this Application. I am also aware that the Examiner has put the burden on the Applicants to prove otherwise. In order to prove otherwise, the photoreceptors, in accordance with Chambers, have been made and their surface roughness tested. The tests and the results from the tests are reported in the following paragraphs. These test and the results were performed by me or under my direct supervision and control.

4. Four different photoreceptors were made in accordance with the teachings of Chambers. Specifically, Example 1, Example 2, Comparative Example 2 and Comparative Example 3 of Chambers, as recited in Columns 13 and 14 of Chambers, were followed and the photoreceptors made. It should be noted that Chambers did not specify which LUCKAMIDE he employed for the polyamide film forming polymer, thus, I chose LUCKAMIDE 5003. Otherwise, I specifically followed Example 1, Example 2, Comparative Example 2 and Comparative Example 3 as recited in Chambers.

5. The average particle diameter for each of the AEROSIL particles that were employed are recited in the Table below and the surface roughness measured for each of the photoreceptors is recited in the Table below. It will be noted that the surface roughness of the photoreceptors was measured in accordance with this Application as recited on page 13, line 11 through page 15, line 4.

| Chambers              | Average Particle diameter (nm) | Surface roughness Ra ( $\mu$ m) |
|-----------------------|--------------------------------|---------------------------------|
| Example 1             | 12                             | 0.20                            |
| Example 2             | 7                              | 0.29                            |
| Comparative Example 2 | 16                             | 0.24                            |
| Comparative Example 3 | 12                             | 0.18                            |

6. It can be seen from the Table above, that none of the photoreceptors, which I prepared in accordance with Chambers, had a surface roughness that fell within the claimed surface roughness of this Application, namely, none of the photoreceptors had a surface roughness of not less than 0.02 to less than 0.1  $\mu$ m. All of the photoreceptors had a surface roughness approximately twice as large as the upper limit surface roughness claimed in this Application.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: This      day of      , 2006.

\_\_\_\_\_  
Hideo Yoshizawa

DCL/mr

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of: H. YOSHIZAWA, et al :  
Appln. No. : 10/776,791 : Art Unit:1756  
Filed : February 11, 2004 : Examiner: J. L.  
Title : Image Forming Method and : Date  
Image Forming Apparatus :  
:-----x

1.131 DECLARATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22312-1450

S i r:

We, the below named, hereby declare and state as follows:

1. We are the Inventors in this Application.
  
2. We reduced to practice the subject matter in this U.S. Application at least as early as December 24, 2002.

3. To evidence the fact that we reduced to practice the subject matter in this U.S. Application at least as early as December 24, 2002, a copy of Japanese Patent Application No. 2002-371944 (published as JP 2004-205618) which was filed in the Japanese Patent Office on December 24, 2002 was submitted to the Examiner in the previous declaration dated December 27, 2005. An English translation of JP '618 was also previously provided.
  
4. We are the Inventors of the subject matter recited in JP '618.  
*Oct. 2. 2006 H. G.*  
*Oct. 2. 2006 A. I.*
  
5. The disclosure in JP '618 is substantially the substantially the same as the disclosure of this U.S. Application.
  
6. The tests and examples reported in JP '618 were performed by us or under our direct supervision and control at least as early as December 24, 2002. This evidences the fact that we actually reduced to practice the subject matter of this U.S. Application at least as early as December 24, 2002.

It is declared by undersigned that all statements made herein of undersigned's own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the U.S. Code; and that such willful false statements may jeopardize the validity of this Application or any patent issuing thereon.

Hideo Yoshizawa  
Hideo Yoshizawa

Dated: This 2nd day of October , 2006.

Akihiko Itami  
Akihiko Itami

Dated: This 2nd day of October , 2006.